

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 93 of 1996

STATE OF GUJARAT & ANR.

Versus

SMT. HANSABEN RAMESHBHAI PATEL & ANR.

Appearance:

MR SP HASURKAR for Petitioner

MR MUKESH PATEL AGP for Respondent No.2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 11/08/1999

ORAL JUDGEMENT

1. Heard the learned counsel for the petitioner.

2. Respondents are absent though served.

3. From the averments and assertions made in the petition, it would appear that the Competent Authority had passed an order preparing the final statement under section 9 of the Urban Land (Ceiling & Regulation) Act, 1976 on 28th October, 1988. Thereafter the proceedings under section 10(1) were taken, notification under section 10(3) was issued and the notice demanding possession was issued under section 10(5) of the Act. However, it does not appear from the record of the petition that the possession under section 10(6) was taken. Learned counsel for the petitioner is unable to refer to any other record indicating that possession was in fact taken under section 10(6) of the said Act.

4. In view of the aforesaid factual position, section 4 of the Urban Land (Ceiling & Regulation) Repeal Act, 1999 would apply, and this petition would therefore abate. This petition is accordingly disposed off. Rule discharged with no order as to costs. Ad interim relief stands vacated.

(Y.B. BHATT, J.)

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